

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **Case No. 16-03069-02-CR-S-MDH**
)
EMIGDIO SALCEDO,)
)
Defendant.)

ORDER

Before the Court is Defendant Emigdio Salcedo’s (“Defendant’s”) Motion for Reconsideration. (Doc. 112). Defendant requests this Court reconsider its prior order (Doc. 108) denying Defendant’s request for compassionate release (Doc. 102). As a basis for this request, Defendant states this Court’s reasoning in its prior order was simply too brief.

Length of a court’s order is not a cognizable basis for a motion to reconsider. *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (motions to reconsider serve limited purpose of “correct[ing] manifest errors of law or fact or to present newly discovered evidence”). Though somewhat unclear, Defendant appears to conflate AO Form 248 and this Court’s full order. Defendant writes, “In that generic barebones form order, the box is checked that states ‘DENIED after complete review of the motion on the merits.’ This reason for denying [Defendant’s] Motion was inadequate.” This Court’s prior order, however, consists of the complete AO Form 248 and the attached written order. (Doc. 108 at Ex. 1). To the extent Defendant’s Motion for Reconsideration is based on only the complete AO Form 248, this Court instructs Defendant to review the entirety of this Court’s prior opinion.

Defendant also argues this Court erred in finding as moot his Motion for Extension of Time to Reply to the United States' Response to Defendant's Motion to Reduce Sentence. (Doc. 109). The United States responded (Doc. 106) to Defendant's Motion for Compassionate Release March 17, 2022 and Defendant's reply was due no later than March 31, 2022. Defendant moved for an extension of time in which to reply, but Defendant's Motion was postmarked April 5, 2022, received by the Court April 8, 2022. This Court ruled on the Motion for Compassionate Release April 5, 2022 and found Defendant's Motion for Extension of Time to be moot April 25, 2022 (Doc. 110). Nonetheless, Defendant filed a reply to the Government's response May 19, 2022 (Doc. 111). Though Defendant's reply to the United States was untimely, to the extent Defendant's Motion for Reconsideration seeks this Court to consider arguments made in Defendant's reply to the United States, this Court sustains Defendant's Motion for Reconsideration. After reviewing Defendant's reply suggestions (Doc. 111), this Court reaffirms its denial of Defendant's Motion for Compassionate Release as expressed in its prior order. (Doc. 108). Defendant's reply suggestions to the Government fail to raise any additional legal or factual arguments that change this Court's prior denial of Defendant's Motion for Compassionate Release.

IT IS SO ORDERED.

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE

Date: January 18, 2023